

## Memorandum

**To:** The Royalston Board of Selectmen  
**From:** The Zoning Task Force  
**Date:** October 3, 2006  
**Re:** Town Zoning Project Update

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The purpose of this memo is to provide the Board with a status report on the Zoning Project. To date, eight (8) public meetings have been held to discuss the ongoing work of the Zoning Task Force and to solicit feedback from town residents. The work products provided by the consultant, Paul Bobrowski, Esq., were made available to interested residents either at the public meetings or via the internet at the town's web site ([www.royalston-ma.gov](http://www.royalston-ma.gov)).

Mr. Bobrowski reviewed the entire 1987 zoning bylaw and presented his evaluation in his March 27, 2006 Technical Memorandum. The 1987 Zoning Bylaw contains several internal inconsistencies, sections that are not compliant with current statute or case law, and missing sections (gaps in what should normally be regulated by a zoning bylaw). Collectively, most of the changes recommended by the consultant to address these deficiencies can be characterized as "administrative changes" to the bylaw. For example:

1. The Purpose Section is inadequate.
2. There is no Authority Section.
3. The Definitions are outdated and incomplete.
4. Accessory Uses should be delineated in a separate Use chart, not in a definition.
5. Language regarding Non-Conforming Uses is obsolete.
6. The requirements for the 3 overlay districts (wetlands, edge and floodplain) should be carefully reviewed to determine if they are obsolete and/or do not conform to current case law.

Once the review of the current bylaw was completed, the consultant evaluated the proposed zoning revisions that were brought by citizen petition in 2005. Mr. Bobrowski's evaluation of the 2005 proposals is presented in his May 9, 2006 Memorandum. While he disagrees with some of the proposed 2005 changes either because they do not conform to recent case law or are presented in a format that is incorrect, there are many of the 2005 proposed revisions that can be addressed as part of the "administrative changes" discussed above.

The next set of recommendations provided by the consultant is more substantial in nature (see his memos dated May 9, June 21 and June 30, 2006). For example, the Accessory Dwelling Units section and the Home Occupations section, if adopted, would regulate activities that are not addressed by the current bylaw. It was also recommended that alternatives to traditional subdivision and development, such as the 1987 bylaw's Interior Lot provisions, Small Flexible Development, and Open Space Residential Development

be modernized and made more flexible to encourage their use. The proposed changes to the Use Chart, the Flexible Development, and Open Space Residential Developments sections would substantially alter the content of those sections in the 1987 bylaw. The 1987 bylaw does not have sections on Earth Removal or Landscaping requirements and the consultant recommended that these be added. Finally, Special Permit language is confused with Site Plan Approval language and it was recommended that the bylaw be amended to include specific sections for each of these processes.

In the coming months, the Zoning Task Force will be working to solicit more input on the consultant's recommendations by holding additional public information meetings. We hope to continue to engage town residents, and elected and appointed town officials in this process.